

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.912 OF 2005
IN
SHORT CAUSE SUIT NO.1937 OF 1987

Pravinchandra P.Mehta ...Plaintiff

Versus

S.P.G. Fine Chemicals Pvt.Ltd.

& Ors. ...Defendants

And

Smt.Hansaben P.Mehta & Ors. ...Respondents

.....

Mr.Shailesh Rajda i/b Mr.Dhirsinh Rajda

for Respondents/Applicants.

Mr.Ganesh Gohil i/b Mr.K.A.Sampat for

Defendants 1 & 3.

.....

CORAM: A.M.KHANWILKAR, J.

OCTOBER 4, 2005.

P.C.

1. Heard Counsel for the parties.
Technically, there is delay in filing the present

Application for substitution. The delay is stated to be only one day's delay. Indeed, no prayer for condoning delay and setting aside abatement is made, but in the interest of justice, that relief is hereby granted.

2. The Plaintiff expired on 15th April 2005. The Respondents filed present Application on 13th July 2005 but as office objection was raised and it was cured, the Chamber Summons came to be registered only on 25th July 2005. In this backdrop, as mentioned earlier, I am inclined to condone the delay and proceed to consider the relief of substitution as claimed in the Chamber Summons.

3. Insofar as that relief is concerned, the Respondents being son, daughter and wife, no objection is raised on behalf of the Defendants.

4. Accordingly, Chamber Summons is made absolute in terms of payer clause (a). Amendment to be carried out within four weeks from today. No order as to costs.

A.M.KHANWILKAR, J.